

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

VICOF II TRUST; VIDA LONGEVITY FUND, LP;
WELLS FARO BANK, NATIONAL
ASSOCIATION, as securities intermediary for
VICOF II TRUST and VIDA LONGEVITY FUND,
LP; and PF PARTICIPATION FUNDING TRUST,

Plaintiffs,

v.

JOHN HANCOCK LIFE INSURANCE COMPANY
OF NEW YORK,

Defendant.

Index No. 19-cv-11093 (AKH)

VICOF II TRUST; VIDA LONGEVITY FUND, LP;
LIFE ASSETS TRUST II S.A. DELAWARE TRUST;
VIDAQUANT SUBFUND DELAWARE TRUST;
VIDA INSURANCE FUND II SERIES INTERESTS
OF THE SALI MULTI-SERIES FUND, LP; WELLS
FARGO BANK, NATIONAL ASSOCIATION, as
securities intermediary for VICOF II TRUST, VIDA
LONGEVITY FUND, LP, LIFE ASSETS TRUST II
S.A. DELAWARE TRUST, VIDAQUANT
SUBFUND DELAWARE TRUST, and VIDA
INSURANCE FUND II SERIES INTERESTS OF
THE SALI MULTI-SERIES FUND, LP; DLP
MASTER TRUST; DLP MASTER TRUST II; GWG
DLP MASTER TRUST LIFE FUNDING TRUST; PF
PARTICIPATION FUNDING TRUST; and PALM
BEACH SETTLEMENT COMPANY,

Plaintiffs,

v.

JOHN HANCOCK LIFE INSURANCE COMPANY
(U.S.A.),

Defendant.

EFG BANK AG, CAYMAN BRANCH; and WELLS FARGO BANK, NATIONAL ASSOCIATION, as securities intermediary for EFG BANK AG, CAYMAN BRANCH,

Plaintiffs,

v.

JOHN HANCOCK LIFE INSURANCE COMPANY (U.S.A.),

Defendant.

YURIY DAVYDOV, on behalf of himself and others similarly situated,

Civil Action No. 18-cv-09825-AKH

Plaintiff,

-against-

JOHN HANCOCK LIFE INSURANCE COMPANY OF NEW YORK and JOHN HANCOCK LIFE INSURANCE COMPANY (U.S.A.)

Defendant.

ORDER REGARDING DEFENDANTS' MOTION TO SEAL

Pursuant to the May 28, 2020 Court-approved Stipulated Confidentiality Agreement and Protective Order, ECF No. 34 (the “Protective Order”), and Rule 4(B) of the Individual Rules of the Honorable Alvin K. Hellerstein, Defendants John Hancock Life Insurance Company of New York and John Hancock Life Insurance Company (U.S.A.) (“John Hancock”) move to:

1. Maintain under seal or in redacted form materials identified in Exhibit A hereto; and
2. Temporarily maintain under seal or in redacted form materials identified in Exhibit B hereto until 21 days after Defendants’ Reply Brief on the Motion for Summary Judgment is filed, unless Plaintiffs move to maintain such documents under seal before said date.

For the reasons set forth in John Hancock’s Memorandum of Law and Zahir Bhanji’s Declaration, John Hancock’s motion is **GRANTED**.

IT IS SO ORDERED.

/s/ Alvin K. Hellerstein

THE HONORABLE ALVIN K. HELLERSTEIN
UNITED STATES DISTRICT JUDGE
September 14, 2022

Exhibit A

| LaSalle Decl. Exhibit | Description | Proposed Redactions |
|------------------------------------|---|---|
| Ex. A | Teta Deposition Exhibit 06 (JH_LEONARD_000000498) | <p>Page -501: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page -502: Proprietary and confidential analysis of COI Redetermination.</p> <p>Pages -506–12: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page -513: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability and analysis of COI Redetermination.</p> <p>Pages -515–16: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page -519: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page -520: Confidential information reflecting agreements concerning reinsurance.</p> <p>Pages -532–38: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages -539–44: Confidential information reflecting agreements concerning reinsurance.</p> |
| Ex. K | Expert Report of Timothy Pfeifer ¹ | Pages 24-26: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability. |

¹ The Expert Report of Timothy Pfeifer appears in Exhibit A because it contains materials that Defendants are seeking to file under seal and also in Exhibit B because it contains materials that Plaintiffs have designated as confidential.

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| | <p>Pages 31-36: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 39-40: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 42-43: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 50-59: Proprietary and confidential pricing parameters.</p> <p>Pages 61-69: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 88-89: Proprietary and confidential pricing parameters.</p> <p>Pages 91-92: Proprietary and confidential pricing parameters.</p> <p>Page 96: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 102-108: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page 110: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 112-118: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 124-136: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> |
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| | | <p>Page 142: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page 144: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page 153: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 156-157: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page 159-161: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page 170-176: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> |
| N/A | Defendants' Statement of Undisputed Material Facts ² | Pages 15-16: Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability. |
| N/A | Defendants' Memorandum of Law in Support of Motion for Summary Judgment ³ | Page 10: Confidential information concerning the effect of proprietary actuarial assumptions on future cash flows. |

² Defendants' Statement of Undisputed Material Facts appears in Exhibit A because it contains materials that Defendants are seeking to file under seal and also in Exhibit B because it contains materials that Plaintiffs have designated as confidential.

³ Defendants' Memorandum of Law in Support of Motion for Summary Judgment appears in Exhibit A because it contains materials that Defendants are seeking to file under seal and also in Exhibit B because it contains materials that Plaintiffs have designated as confidential.

Exhibit B

| LaSalle Decl. Exhibit | Description | Proposed Redactions |
|--------------------------------------|--|---|
| Ex. C | Excerpts of the Deposition of Larry Stern, dated July 6, 2022 | Designated Confidential by Plaintiffs and sealed pending Plaintiffs' submission. |
| Ex. D | Excerpts of the Deposition of Larry Stern, dated July 7, 2022 | Designated Confidential by Plaintiffs and sealed pending Plaintiffs' submission. |
| Ex. E | D. Pena (Vida) Deposition Exhibit 090 (VIDA-JH-000106371) | Designated Confidential by Plaintiffs and sealed pending Plaintiffs' submission. |
| Ex. G | Excerpts of the Deposition of Ingo Wichelhaus (EAA), dated November 23, 2021 | Designated Confidential by Plaintiffs and sealed pending Plaintiffs' submission. |
| Ex. I | Excerpts of the Deposition of Tobias Schmelz (EFG), dated August 25, 2021 | Designated Confidential by Plaintiffs and sealed pending Plaintiffs' submission. |
| Ex. J | Excerpts of the Deposition of Daniel Young (Vida), dated September 17, 2021 | Designated Confidential by Plaintiffs and sealed pending Plaintiffs' submission. |
| Ex. K | Expert Report of Timothy Pfeifer ¹ | <p>Page 17: Testimony by Plaintiff EFG Bank AG, Cayman Branch designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Page 140: Excerpt of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Page 143: Excerpt of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Page 145: Excerpt of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 146-148: Excerpt of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> |

¹ The Expert Report of Timothy Pfeifer appears in Exhibit A because it contains materials that Defendants are seeking to file under seal and also in Exhibit B because it contains materials that Plaintiffs have designated as confidential.

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| | <p>Pages 155-160: Excerpt of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 161-167: Excerpts and analysis of documents designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 184-185: Excerpt of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Page 196: Excerpt of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 199-200: Excerpt of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 201-203: Excerpts of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> |
| Ex. M | <p>Expert Report of Bruce Deal</p> <p>Page 5: Excerpts of Expert Report of Edi Grgeta designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 11-13: Excerpts of Depositions of Tobias Schmelz (EFG), James Sawatzky (LSH), Ingo Wichelhaus (EAA), Adam Melzter (Vida), and Chris Winters (Lux Funds) designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Page 13: Excerpts of interrogatory responses from LSH designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 13-14: Excerpts of Expert Report of Donald Sowol designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 16-17: Excerpts of Expert Report of Edi Grgeta designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> |

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| | | <p>Page 18: Excerpts of Depositions of Tobias Schmelz (EFG), James Sawatzky (LSH), Ingo Wichelhaus (EAA), Adam Melzter (Vida), and Chris Winters (Lux Funds) designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 19-21: Excerpts of Expert Report of Edi Grgeta designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 21-24: Excerpts of Expert Report of Donald Sowol designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 27, 29: Excerpt of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 37-39: Excerpts of Expert Report of Edi Grgeta designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Page 40: Excerpts of document produced by LSH Plaintiffs as Confidential and excerpts of Deposition of James Sawatzky (LSH), redacted pending LSH Plaintiffs' submission.</p> <p>Pages 41-43, 45-50: Excerpts of Expert Report of Edi Grgeta designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 49, 51: Excerpts of interrogatory responses from LSH designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> |
| Ex. N | Expert Report of Larry Stern | Designated Confidential by Plaintiffs and sealed pending Plaintiffs' submission. |
| Ex. O | Expert Report of Neil Rector | Page 35: Excerpts of Expert Report of Hon. Gregory Serio designated Confidential by Plaintiffs redacted pending Plaintiffs' submission. |

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| | | Pages 43-44: Excerpts of Expert Report of Hon. Gregory Serio designated Confidential by Plaintiffs redacted pending Plaintiffs' submission. Pages 46-57: Excerpts of Expert Report of Hon. Gregory Serio designated Confidential by Plaintiffs redacted pending Plaintiffs' submission. |
| Ex. S | Excerpts of the Deposition of Tobias Schmelz (EFG), dated August 27, 2021 | Designated Confidential by Plaintiffs and sealed pending Plaintiffs' submission. |
| Ex. T | Excerpts of the Deposition of Adam Meltzer (Vida), dated September 1, 2021 | Designated Confidential by Plaintiffs and sealed pending Plaintiffs' submission. |
| Ex. U | Excerpts of the Deposition of Fred Tavan (Vida), dated November 1, 2021 | Designated Confidential by Plaintiffs and sealed pending Plaintiffs' submission. |
| Ex. V | Annual Policy Statement for Policy No. 001202699 (EFG-JH-000047849) | Designated Confidential by Plaintiffs and sealed pending Plaintiffs' submission. |
| Ex. W | Annual Policy Statement for Policy No. 001202700 (EFG-JH-000048855) | Designated Confidential by Plaintiffs and sealed pending Plaintiffs' submission. |
| Ex. CC | Excerpts of the Deposition of Gregory Serio, dated June 24, 2022 | Designated Confidential by Plaintiffs and sealed pending Plaintiffs' submission. |
| Ex. EE | Excerpts of the Deposition of Donald Solow, dated June 28, 2022 | Designated Confidential by Plaintiffs and sealed pending Plaintiffs' submission. |
| Ex. GG | Exhibit D to the Expert Report of Larry Stern | Designated Confidential by Plaintiffs and sealed pending Plaintiffs' submission. |
| N/A | Defendants' Statement of Undisputed Material Facts ² | Pages 3-7: Designated Confidential by Plaintiffs and sealed pending Plaintiffs' submission. Pages 9-10: Designated Confidential by Plaintiffs and sealed pending Plaintiffs' submission. Pages 21-23: Designated Confidential by Plaintiffs and sealed pending Plaintiffs' submission. |

² Defendants' Statement of Undisputed Material Facts appears in Exhibit A because it contains materials that Defendants are seeking to file under seal and also in Exhibit B because it contains materials that Plaintiffs have designated as confidential.

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| | | Pages 26-27: Designated Confidential by Plaintiffs and sealed pending Plaintiffs' submission. |
| N/A | Defendants' Memorandum of Law in Support of Motion for Summary Judgment ³ | <p>Page 7: Excerpt of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Page 12: Excerpts of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 21-22: Excerpts of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Page 28: Excerpts of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Page 33: Excerpts of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 34-35: Excerpts of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Page 37: Excerpt of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Page 38: Excerpts of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Page 39: Excerpts of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Page 40: Excerpts of the Deposition of Donald Sowol designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> |

³ Defendants' Memorandum of Law in Support of Motion for Summary Judgment appears in Exhibit A because it contains materials that Defendants are seeking to file under seal and also in Exhibit B because it contains materials that Plaintiffs have designated as confidential.

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| | <p>Pages 42-43: Excerpts of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> <p>Pages 47-49: Excerpts of Expert Report of Larry Stern designated Confidential by Plaintiffs redacted pending Plaintiffs' submission.</p> |
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